

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

Sterling L. Singleton,

Plaintiff,

v.

Bryan P. Stirling; Dennis Patterson; Willie Davis; Terry Wallace; Whittington; Willie Ocean; Michael Pressly; Edward Gadsden; Bostic; Brennen; Ms. Labradore; William Gill; Shannon Dean; Shawn Stover; Anthony Berry; Terry Marshal; Dr. Kinnard Debose; Tishiro Inabnit; and Sophia Paquette

Defendants.

Case No. 9:21-3820-RMG

ORDER AND OPINION

This matter is before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge (Dkt. No. 91) recommending that Plaintiff’s motion for preliminary injunction be denied. For the reasons set forth below, the Court adopts the R & R as the Order of the Court and denies Plaintiff’s motion.

I. Background

Plaintiff, proceeding pro se, brought this action pursuant to 42 U.S.C. § 1983, alleging a violation of his constitutional rights under the Eight Amendment. (Dkt. No. 1).

Plaintiff filed a motion for preliminary injunction requesting, among other things, that all defendants respect and protect all of plaintiff’s statutory, constitutional, international, and human rights. (Dkt. No. 60 at 2-3).

This matter was referred to a Magistrate Judge for pre-trial proceedings. The Magistrate Judge issued an R &R that Plaintiff’s motion for injunctive relief be denied. (Dkt. No. 91). The

Plaintiff has not objected. After a review of the report and recommendation and the record in this case, this Court adopts the recommendation of the Magistrate Judge.

II. Standard

A. Report and Recommendation

The Magistrate Judge makes only a recommendation this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). This Court is charged with making a de novo determination of those portions of the report and recommendation to which specific objection is made, and this Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). This Court may also “receive further evidence or recommit the matter to the magistrate with instructions.” *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983).

B. Preliminary Injunction

A party seeking a preliminary injunction must establish all four of the following elements: (1) he is likely to succeed on the merits; (2) he is likely to suffer irreparable harm in the absence of preliminary relief; (3) the balance of equities tips in his favor; and (4) an injunction is in the public interest. *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 29 (2008). A petitioner must make a clear showing that he is likely to succeed on the merits of his claim. *Id.* at 22. Similarly, he must make a clear showing that he is likely to succeed on the merits of his claim. *Id.* at 20-23.

A preliminary injunction is “an extraordinary remedy involving the exercise of a very far-reaching power, which is to be applied only in the limited circumstances which clearly demand it.” *Direx Israel, Ltd. v. Breakthrough Med. Corp.*, 952 F.2d 802, 811 (4th Cir.1991) (citations and internal quotation marks omitted).

III. Discussion

Because Plaintiff did not file objections to the R & R, the R & R is reviewed for clear error. After a thorough review of the R & R, the applicable law, and the record of this case, the Court adopts the R & R in its entirety and hereby incorporates the R & R by reference. Accordingly, Plaintiff’s motion for preliminary injunction is denied.

IV. Conclusion

For the foregoing reasons, Plaintiff’s motion for injunctive relief is **DENIED**.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

November 21, 2022
Charleston, South Carolina